

**A SUBSTITUTE ORDINANCE**

**BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE**

**AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO PURCHASE PROPERTY FROM THE TRUST FOR PUBLIC LAND LOCATED IN THE KIRKWOOD NEIGHBORHOOD IN THE CITY OF ATLANTA ON BEHALF OF THE DEPARTMENT OF PARKS, RECREATION, AND CULTURAL AFFAIRS, WHEREAS THE TOTAL COST OF ACQUISITION TO THE CITY IS \$502,004.60, FOR THE PURPOSES SET FORTH IN THE CITY OF ATLANTA COMMUNITY GREENSPACE PROGRAM; AUTHORIZING THE PAYMENT OF ASSOCIATED COSTS; AND FOR OTHER PURPOSES.**

**WHEREAS**, Ordinance 01-0-1697, adopted by the Council on November 19, 2001, and approved by the Mayor on November 27, 2001, allocated Georgia Greenspace (DeKalb) grant funds to cover the cost of land acquisition for Kirkwood/Edgewood Parks and Open Space; and

**WHEREAS**, the Properties are located within the confines of the Kirkwood/Edgewood project area; and

**WHEREAS**, the Trust for Public Land has agreed to help in the acquisition and preservation of the Property by working with (1) the City Department of Planning, Development, and Neighborhood Conservation and the Department of Parks, Recreation, and Cultural Affairs, (2) the present owner of the Property, (3) the Kirkwood Neighborhood Organization and (4) the Arthur M. Blank Family Foundation to secure a grant to fund a portion of the purchase price for the Property; and

**WHEREAS**, the Trust for Public Land has applied for grant funds in a total amount anticipated to be \$312,855.00 from the Arthur M. Blank Family Foundation to fund a portion of the cost to acquire the Property, and will convey the property to the City at full cost less the amount of said grant; and

**WHEREAS**, the total cost to the City of Atlanta will be \$502,004.60.

**NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:**

**SECTION 1:** That the Mayor or her designee is hereby authorized to purchase from the Trust for Public Land three tracts of real property in the Kirkwood neighborhood as shown and described in the following table.

Parcel	Parcel ID No.	Acres
Parcel 1: Woodbine Ave.	15-210B03-005	0.3
Parcel 2: Dixie Street	15-206C04-7,8,11; 15-206C03-10; and 15-206C05-21-26	4.8
Parcel 3: Memorial Drive	15-207D-C02-11 and 12	2.6
<b>Total Acquisition</b>		<b>7.7</b>

**SECTION 2:** That the Mayor or her designee is hereby authorized to obtain surveys, title reports, and appraisals and to establish estimate of just compensation based thereon to be offered the Trust for Public Land.

**SECTION 3:** That accrued interest accumulating in the following accounts is hereby transferred as follows:

**Transfer from:**

1B02-793001-Y63U0211KTB0	\$1,299.17
1B02-771001-Y63U0211KTB0	7,639.27
1B02-729029-Y63U0211KTB0	808.52
<b>TOTAL</b>	<b><u>\$9,746.96</u></b>

**Transfer to:**

1B02-771001- Y63D1009KTB0	Kirkwood/Edgewood Parks and Open Space (DeKalb County)	\$9,746.96
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**SECTION 4:** That the Chief Financial Officer is hereby authorized to use accrued interest accumulating in account 1B02-661001-J53X0210KTD0 in the amount of \$429.15 and to appropriate this interest to 1B02-771001-Y63U0211KTD0, and to transfer interest in the accounts shown below in the amount of \$1,144.49, for a total of \$1,573.64:

**Transfer from:**

1B02-793001- Y63U0211KTD0	\$1,144.49
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**Transfer to:**

1B02-771001- Y63U0211KTD0	Kirkwood/Edgewood Parks and Open Space (DeKalb County)	\$1,144.49
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**SECTION 5:** That the following fund, account, and center numbers in the following amounts are to be used for the payment of charges, including but not limited to surveys, environmental assessments, appraisals, title reports, and other closing costs, but excluding consultant service fees, as required by the funding source.

1B02-771001- Y63D1009KTB0	Kirkwood/Edgewood Parks and Open Space (DeKalb County)	\$201,095.96
1C28-771001- Y63D10099991	Kirkwood/Edgewood Parks and Open Space (DeKalb County)	150,000.00
1B02-771001- Y63U0211KTD0	DNR Georgia Greenspace Program (DeKalb County)	150,908.64
<b>TOTAL</b>		<u>\$502,004.60</u>

**SECTION 6:** That the Chief Financial Officer is hereby authorized to transfer \$3,620 from and to the following accounts:

**Transfer From:**

1C28-792001- T31X04109991	Park Impact Fees Reserve Designated – D.I.F. Admin	\$3,620
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**Transfer To:**

1C28-724001- Y63D10099991	Consultant Services - Kirkwood	\$3,620
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**SECTION 7:** That the requirements of City Code Section 2-1541 (d) of the Procurement and Real Estate Code are waived to allow the purchase of property on behalf of the City without further authorization of City Council.

**SECTION 8:** That the deed for each tract is to be recorded containing appropriate covenants, restrictions or easements as necessary in order to satisfy the requirements of the Georgia Greenspace Program, which shall provide that the Property shall be permanently preserved as greenspace with passive recreation for the benefit of the public.

**SECTION 9:** That consultant services for acquisition of the properties on the City's behalf shall be charged to and paid from fund account center 1C28 724001 Y63D10099991 in an amount not to exceed \$3,620.00.

**SECTION 10:** That if negotiations with the affected property owners fail, the City Attorney is authorized to use all means necessary and within her/his power, up to and including Condemnation to acquire the necessary real property interests; and, the City Attorney is authorized to engage the services of outside counsel, where necessary, to handle Condemnation proceedings and pay for such services without further authorization from City Council.

**SECTION 11:** That the City Attorney, or her/his designee, if necessary, is hereby authorized to institute condemnation proceedings pursuant to the appropriate method allowed by applicable law.

**SECTION 12:** That all ordinances and parts of ordinances in conflict herewith are hereby repealed.